

# REAL ESTATE CONTRACTING OFFICER

OTHER GOVERNMENT INITIATIVES

U.S. DEPARTMENT OF THE ARMY

- OECM has recently re-delegated real estate transaction authority to the programs
  - Authority was to be re-delegated to Certified Realty Specialists
    - Commensurate with authorities outlined in the Desk Guide
- Effectively this now provides tacit authority to CRS's to sign all real estate transaction documents
- OECM will continue to push for a formalized Real Estate Contracting Officer Warrant Program.
- In the pages that follow, there are excerpts from an Army presentation reflecting the Corps of Engineers first breach into the area of warranted RECO's.
- It is indicative of the trend in the Federal Government. With its adoption, it will leave DOE as one of if not the only Federal agency without warranted RECO's.

# AUTHORITY FOR REAL ESTATE MISSION

- GO-3 (2002) – Chief of Engineers – ARSTAF responsibility for policies and procedures for the acquisition, management of title, granting use, and disposal of real property. Provides technical advice to the ARSTAF on real estate. Execute SA's Executive Agent responsibilities for the Homeowner's Assistance Program (HAP), Joint Recruiting Facilities Program, and the Defense National Relocation Program.
- AR 10-87 – Commanding General, USACE
  - Manages and executes real estate programs in support of DOD infrastructure and operational requirements
  - Manages and executes all real estate for the Army, Air Force elements in the United States, for other DOD and Federal agencies upon request, and where the Army is DOD Executive Agent
  - Proponent for the DOD Recruiting Facilities, Overseas Leasing , and HAP
  - Provides HQDA counsel review for all realty instruments and resolution of real estate issues.
- AR 690-950 – CP-55 – GS-1170/1171

# **FEDERAL REAL PROPERTY GOVERNANCE**

## **REAL PROPERTY**

40 USC 471 – Property Act (FPASA)  
41 CFR Ch. 101-147 – Federal Property Mgmt Regs\*  
10 USC 2672 & 2672a – Land Acquisition  
10 USC 2571 – Interchange of Property & Services  
10 USC 18233 & 18233a – Acquisition for Reserve Components  
43 USC 1714 – Federal Land Management Act/Withdrawal of Public Lands  
10 USC 2662 – Real Property Transactions/Reports to Congress  
10 USC 2828 & 10 USC 2675 – Foreign housing/other leasing  
42 USC 11411 – Homeless use  
10 USC 2695 – Acceptance of Funds for Administrative Expenses  
10 USC 2667 – Lease of non-excess property to third parties  
30 USC 181 – Relocation procedures/requirements  
EO 13327 – Federal Real Property Asset Management  
41 CFR Ch. 51 – Javits-Wagner-O'Day Act, license authority with disabled  
20 USC 107 – Randolph Sheppard Act, license authority for the blind  
40 USC 3112 – Federal Jurisdiction  
10 USC 2683 – Relinquishment of Legislative Jurisdiction  
33 USC 578 – Congressional Continuing Authorities, Navigation Projects

## **ENVIRONMENTAL**

National Environmental Policy Act (NEPA) (42 USC 4321)  
Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (40 USC 9601)  
10 USC 2692 – Storage of Hazardous materials  
AR 200-1 – Environmental Compliance  
Insecticide, Fungicide & Rodenticide (7 USC 136)  
Toxic Substance Control Act (15 USC 2601)  
National Historic Preservation Act (NHPA) (16 USC 470a)  
Forest Cover Act (Civil) (16 USC 580m)  
Sikes Act (Military) (16 USC 670)  
Coastal Zone Management (16 USC 1451)  
Endangered Species Act (16 USC 1531)  
Native America Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001)  
Federal Water Pollution Control Act (Clean Water Act) (33 USC 1251)  
Safe Drinking Water (42 USC 300j)  
American Indian Religious Freedom Act (AIRFA) (42 USC 1996)  
Noise Control Act (42 USC 4901)  
Resource Conservation and Recovery Act (RCRA) – Solid Waste (42 USC 6901)  
Clean Air Act/Air Quality & Emission Limitations (42 USC 7401)  
Pollution Prevention Act of 1990 (42 USC 13101)  
EO 11990, Protection of Wetlands  
EO 11988, as amended by EO 12148, Floodplain Management  
EO 12088, Federal compliance with Pollution

## **FISCAL**

10 USC 2673 – Funds for Minor Land Acquisitions  
10 USC 2304 – Competition Requirements  
10 USC 2677 – Options  
OMB Circular A-129 – Close-out of Accounts Receivable  
31 USC 3717 – Debt Collection Act  
Chief Financial Officers Act of 1990 – Fiscal responsibility and accountability of assets  
Federal Acquisition Regulations – Part 45, Government Property and Contractors

# **FEDERAL REAL PROPERTY GOVERNANCE**

## **Congressional Continuing Authorities**

- 10 USC 2571(a) – Transfers between Armed Services
- 10 USC 2665 – Forestry products
- 10 USC 2672 & 2672a – Exchange of military lands
- 10 USC 2693 – Conveyance for correctional use
- 16 USC 831(b) – Transfer to TVA
- 16 USC 460e – Conveyance of cottage sites
- 16 USC 505a&b – Interchange of civil & military lands for National Forest lands
- 16 USC 667 & 667b – Conveyance to states/DOI for wildlife sanctuaries, reservations & refuges
- 10 USC 2694a – Conveyance of Surplus Real Property for Natural Resources Conservation
- 16 USC 1277e – Conveyance to DOI for wild & scenic rivers
- 16 USC 580m – Forest Cover Act
- 18 USC 4122 – Transfer to Federal Prison Industries
- 23 USC 107(d) – Transfer for interstate highway system
- 23 USC 317 – Transfer to states for highway ROW's adjacent to installations
- 33 USC 578 – Conveyance of Civil Works lands for port or industrial sites
- 38 USC 2406 – Transfers to Veterans Administration
- 33 USC 588b & b1 – Civil Works exchange authority
- 40 USC 122 – Transfers to District of Columbia
- 40 USC 345c – Convey for highway & streets
- 49 USC 47125 – Convey for Airport purposes
- 40 USC 553 – Public Benefit Conveyance for Fire Stations
- 10 USC 2687 – Base Closure and Realignments

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### **Congressional Special Legislation – Disposals**

Defense Authorization Acts (yearly) – Military property

Water Resources Development Acts (bi-annually) – Civil Works property

# **COMMUNITY MANAGEMENT**

